

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**ST. CLAIR INTELLECTUAL PROPERTY
CONSULTANTS, INC.,**

Plaintiff,

v.

**ACER, INC., ACER AMERICA
CORPORATION, DELL INC., GATEWAY
COMPANIES, INC., GATEWAY, INC., and
LENOVO (UNITED STATES) INC.,**

Defendants.

Civil Action No. 09-354-JJF

JURY TRIAL DEMANDED

**ST. CLAIR INTELLECTUAL PROPERTY
CONSULTANTS, INC.,**

Plaintiff,

v.

**APPLE INC., TOSHIBA CORPORATION,
TOSHIBA AMERICA INFORMATION
SYSTEMS, INC., and TOSHIBA AMERICA,
INC.**

Defendants.

Civil Action No. 09-704-JJF

JURY TRIAL DEMANDED

CONSOLIDATED CASES

**PLAINTIFF/COUNTER-DEFENDANT ST. CLAIR'S ANSWER TO
DEFENDANT/COUNTER-PLAINTIFF APPLE INC.'S COUNTERCLAIMS**

Plaintiff/Counter-Defendant St. Clair Intellectual Property Consultants, Inc. ("St. Clair"), for its Answer to Defendant/Counter-Plaintiff Apple Inc.'s ("Apple") Counterclaims states and alleges as follows:

St. Clair reasserts and incorporates by reference herein its allegations set forth in Paragraphs 1-62 of its First Complaint.

THE PARTIES

68. St. Clair admits the allegations of Paragraph 68 of the Counterclaims.

69. St. Clair admits the allegations of Paragraph 69 of the Counterclaims.

JURISDICTION AND VENUE

70. St. Clair admits the allegations of Paragraph 70 of the Counterclaims.

71. St. Clair admits the allegations of Paragraph 71 of the Counterclaims.

FIRST COUNTERCLAIM DECLARATORY JUDGMENT OF NON-INFRINGEMENT

72. St. Clair herein incorporates the responses of Paragraphs 68-71.

73. St. Clair denies the allegations of Paragraph 73 of the Counterclaims.

74. St. Clair admits that Apple is seeking a declaration of non-infringement, but St. Clair denies the merits of such allegations and all remaining allegations of Paragraph 74 of the Counterclaims.

SECOND COUNTERCLAIM DECLARATORY JUDGMENT OF INVALIDITY

75. St. Clair herein incorporates the responses of Paragraphs 68-74.

76. St. Clair denies the allegations of Paragraph 76 of the Counterclaims.

77. St. Clair admits that Apple is seeking a declaration of invalidity, but denies the merits of such allegations and all remaining allegations of Paragraph 77 of the Counterclaims.

PRAYER FOR RELIEF

Plaintiff requests that:

- a. Apple's Counterclaims be dismissed with prejudice;
- b. Apple's prayer for attorneys' fees and costs be denied;

c. Judgment be entered in favor of St. Clair that each of the ‘130, ‘163, ‘929, ‘175, ‘959, ‘617 and ‘025 Patents is valid and infringed; and

d. The Court award St. Clair the relief sought in its Complaint.

February 25, 2010

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BAYARD, P.A.

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